IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

TUESDAY THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND THREE
: PRESENT :
THE HON'BLE MR.JUSTICE : P.S. NARAYANA

CIVIL REVISION PETITION No.1205 of 2001

Petition under Article 226 of the Constitution of India to revise the Order dated: 26-07-2000 and made in I.A. No. 380 of 2000 in O.S. No. 104 of 1995 on the file of the court of the II Additional Junior Civil Judge, Srikakulam

Between:

1. T. Ashoka Kumari.
2. Anwari Begum.

Petitioners

AND

1. II Additional Junior Civil Judge, Srikakulam.
2. Fatimunnisa Begum, W/o. Hyder Khan, R/o. B. Gardens, Srikakulam.
3. Mohammad Khan, S/o. late Hyder Khan, R/o. B. Gardens, Srikakulam.
4. Momin Khan, S/o. late Hyder Khan, R/o. B. Gardens, Srikakulam.
5. Nizamuddin Khan, S/o. late Hyder Khan, R/o. B. Gardens, Srikakulam.
6. Khamruddin Khan, S/o. late Hyder Khan, R/o. B. Gardens, Srikakulam.
7. Vazeer Khan, S/o. late Mominkhan, R/o. B. Gardens, Srikakulam.
8. Rokhia Bibi, W/o. Mohammad Ariff, R/o. B. Gardens, Srikakulam.
9. Jaibunnisa Begum, W/o. Rahamatullah, R/o. B. Gardens, Srikakulam.
   (Respondents in O.S. No. 104 of 1995)
10. Sarasammed Shoukat Ali, S/o. Mahabobali, retired Village Development Officer-cum-Mandal Coop. Rural Development Officer, R/o. Srikakulam.
11. Mirza Kamrunnisa Begum, W/o. late Hussain-Alibeg, R/o. Srikakulam.
12. Mahammad Noorjahan Begum, W/o. late Anwar Baig, R/o. Jeypore, Koraputti District, Orissa.
13. Abdul Fatimannisa Begum, W/o. late Rehman, R/o. Kspastreet, Itchapuram, Srikakulam District.
14. Sheik Hali Munnisa Begum, W/o. Sheik Ahmed, Chatrapur, Orissa.
15. Mahammad Sharifunnisa Begum, W/o. Mohammed Hameed, Sambalpur, Orissa.
16. Sayyad Mymunnisa Begum, W/o. late Ibrahim, Near Inspection Banglow, Srikakulam Town and District.
17. Fatima Bibi @ Bhimababi, W/o. Habibullah Khan, Kakistreet, Srikakulam.
18. Zafrullah Khan, S/o. Habibullah Khan, Sales man, Govt. Stores, R/o. Srikakulam.
19. Sara Bi, W/o. late Nawab, Sweeper, Cooperative Central Bank, Srikakulam.
20. Malim Bibi, W/o. Maqbool, R/o. Champagalli Street, Srikakulam.
21. Saffoora Begum, D/o. late Allibibi, R/o. Patha Srikakulam, Srikakulam.
22. Azizabegum, W/o. Shaik Lathif, R/o. Kurdah Road, Puri District.

23. Sarasammed Ahmed Ali, S/o. late Hyder Ali, R/o. Kakinada, E.G. District.
24. Jameelunnisa Begum, W/o. Sahik Jilani, Visakhapatnam City, Visakhapatnam.
25. Mallika Begum, W/o. S.F. Rahiman, R/o. Visakhapatnam.
26. Hashiba Begum, W/o. S. Samaruddin, Marripalem, Visakhapatnam.
27. Tahara Begum, W/o. M. Rahim, R/o. Marripalem, Visakhapatnam.
28. Mirza Khairunnisha Begum, W/o. late Jehed Alibaig, R/o. Powerpeta, Eluru, W.G. District.
29. Mirza Sirajunnisa Begum, W/o. late Baz Ali Baig, R/o. Gunturu.
30. Mirza Aktarunnisa Begum, W/o. late Mizhar Ali Baig R/o. Nowrangapur, Koraputti District, Orissa.

31. Sarasammed Aktar Ali, S/o. late Waresh Ali, Painter and Welder, Amadalavalasa.
32. Mansur Ali, S/o. late Warish Ali, Welder Contonment, Vizianagaram.
33. Sarasammed Anwar Ali, S/o. late Aarish Ali, retired Railway Employee, Jeypore, Koraput District, Orrissa.
34. Sarasammad Ushman Ali, S/o. Wariah Ali, Assistant Engineer, Bilaspur, M.P.
35. Sarasammed Maksood Ali, S/o. late Wasim Ali, R/o. Malkanagiri, Kirana Business, Orissa.
36. Sarasammed Muzffar Ali, S/o. late Verish Ali, Railway Employee, Adra, Mahbhoom District, Bihar.
37. Sarasammed Mazhar Ali, S/o. late Ameer Ali, Adra, Mahbhoom District, Bihar.
38. Sarasammed Mumtaz Ali, S/o. late Ameer Ali, Adra, Mahbhoom District, Bihar.
39. Sarasammed Razaali, S/o. late Darvesh Ali, Railway Employee, Ali, Adra, Mahbhoom District, Bihar.
40. Sarasammed Habibunnisa Begum @ Ayesha Begum, W/o. late Varish Ali, R/o. Amadalavalasa.
41. Sarasammed Kairunnisa Begum, W/o. late Mohammed Ali, R/o. Jamshedpur, Singhbhoom District, Bihar.
42. Sarasammad Vazir Ali, S/o. late Mohammed Ali, T.V. Mechanic, R/o. Jamshedpur, Singhbhoom District, Bihar.
43. Sarasammed Amzad Ali, S/o. late Mahammed Ali, Retired Captain, R/o. Jamshedpur, Singbhoom District, Bihar.
44. Sarasammed Kurished Ali, S/o. late Mahammed Ali, State Bank Employee, Jamsehedpur, Singbhoom District,Bihar.
45. Sarasammed Vajid Ali, S/o. late Mahammed Ali, Contractor, Jamshedpur, Singhboom District, Bihar.
46. Mumtaz Begum, D/o. late Mahammed Ali, R/o. Jamshedpur, Singhboom District, Bihar.
47. Sarasammed Hassain Ali, S/o. late Siddique Ali, Contractor, R/o. Jamshedpur, Singhboom District, Bihar.
48. Dr. Sarsmath Musaq Ali, S/o. late Siddiq Ali, Medical Officer, Cuttak, Puri District, Orissa.
49. Sarasammad Kamrunnisa begum, W/o. late Mumtaz Ali,

Acharyanagar, Bhubaneshwar, Orissa.

50. Sarasammed Ushman Ali, S/o. late Rehemanali, Sringer, Abad Nagar, Vizianagaram.
51. Sarasammed Mahaboob Ali, S/o. late Rahiman Ali, Bangles Business, Jayapore, Koraput District, Orissa.
52. Sarasammad Mallika Begum, D/o. late Rahiman, Abad Nagar, Vizianagaram.
53. Sayed Karim, S/o. late Sayyed Pasha, Contractor, Vizianagaram.
54. Sayed Ibrahim, S/o. late Sayyed Pasha, Contractor, Vizianagaram.
55. Rafiullah Sheriff, S/o. late Hasimulla Sharif, Contractor, Garividu, Vizianagaram District.
56. Sayed Gaffar, S/o. late Ismail, R/o. Garividi, Vizianagaram District.
57. Noorunnisa Begum, W/o. Abdul Rahim, Plot No.4, Near Krishna College, Visakhapatnam.
58. Sarasammed Ameer Ali, S/o. late Sabdarali, Railway Contractor, Berhampur, Orissa.
59. Sarasammed Sayyad Ali, W/o. late Hamza Ali, Cycle Shop, Berhampur, Orissa.
60. Sarasammed Asif ali, S/o. Hamzali, Petty Officer, Excise Department, Berhampur, Orissa.
61. Bhimabi, W/o. Sahirkhan, Acharyanagar, Bhubaneswar, Orissa.
62. Sarasammed Sayyed Jalal Bokhari, S/o. late Sabdar Ali, Retired Superintendent, Berhampur, Orrissa.
63. Sarasammed Shoukat Ali, S/o. Late Sabdar Ali, Executive Engineer, Berhampur, Orissa.
64. Anwar Pasha, S/o. late Shamashuddin, Advocate, Cantonment, Vizianagaram.

(Respondents in O.S. No. 230 of 1996)

Respondents

The petition coming on for hearing upon perusing the petition and memo of grounds filed herein and the order of the High Court dated 28-10-03 made herein and upon hearing the arguments of Mr. Addepalle Suryanarayana, Advocate for the petitioners and of Mr. A. Rama Rao for the respondents 10, 11 to 22, 24 to 27, 31 to 36, 40, 50, 52, 58, 61, 62 and 63 and of Mr. D. Ramalinga Swamy, Advocates for the respondents 3 to 9.

THE COURT MADE THE FOLLOWING ORDER:

"On 28-10-2003 this court passed the following order :

"Heard Sri Addepalli Suryanarayana, Sri A. Rama Rao and Sri Ramalinga Swamy, the learned respective counsel representing the parties.

An interesting question was raised in the preent revision. Though joint trial was ordered, ignoring the same, a Judicial Officer had

proceeded with one of the matters and had disposed of the same. A contention is raised that the said Judgement is made without any jurisdiction and the same is liable to be set-aside on the ground of fraud.

In view of the importance involved in the mater, I am of the opinion that the assistance of the learned Advocate General is essential, office is directed to issue notice to the learned Advocate General.

Post the matter on 4-11-2003".

The learned Advocate General appeared in the matter and had pointed out that when a judicial order is there for joint trial, disposal of one of such matters may not be in accordance with law. The learned Advocate General suggested that this is a fit matter where the concerned Judicial Officer may have to be heard before passing further orders. On verification, it is found that the then II Additional Junior Civil Judge, Srikakulam is now working as Principal Junior Civil Judge, Eluru. Hence, remarks are called for relating to the disposal of O.S.No.230 of 1996 on 16-01-2001, ignoring the order of joint trial made earlier.

The concerned officer is expected to submit his report within a period of four weeks from today.

Post on 27-11-2003 after receipt of the report."

Sd/-P. KRISHNA MURTHY

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Principal Junior Civil Judge, Eluru. (BY RPAD)
2. Two CCs to the Advocate General, High Court of A.P., Hyderabad. (OUT).
3. One spare copy.

H.A.

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